

17D-3-203 Considerations in determining whether to approve conservation district creation, consolidation, division, or dissolution -- Denial or approval -- Notice and plat to lieutenant governor -- Recording requirements -- Prohibition against considering similar creation, consolidation, division, or dissolution if previously denied.

- (1) In determining whether to approve the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, the commission shall consider:
 - (a) the demonstrated necessity and administrative practicality of the creation, consolidation, division, or dissolution;
 - (b) the topography of and soil compositions and prevailing land use practices within the area of the proposed or existing conservation district or districts;
 - (c) the hydrologic unit code of the watershed in which the area of the proposed or existing conservation district or districts is located;
 - (d) the relationship of the area of the proposed or existing conservation district or districts to existing watersheds and agricultural regions; and
 - (e) the sentiment expressed by persons within the area of the proposed or existing conservation district or districts with respect to the proposed creation, consolidation, division, or dissolution.
- (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and considering the factors listed in Subsection (1), the commission shall:
 - (a)
 - (i) disapprove the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, as the case may be, if the commission determines that creation, consolidation, division, or dissolution is not necessary or administratively practical; or
 - (ii) approve the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, as the case may be, if the commission determines that creation, consolidation, division, or dissolution is necessary and administratively practical; and
 - (b) set forth in writing the reasons for the commission's action.
- (3)
 - (a) If the commission approves the creation, consolidation, division, or dissolution, the commission shall:
 - (i) deliver to the lieutenant governor:
 - (A) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (B) except in the case of a dissolution, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (ii) upon the lieutenant governor's issuance of a certificate of boundary action under Section 67-1a-6.5:
 - (A) if the conservation district is or, in the case of dissolution, was located within the boundary of a single county, submit to the recorder of that county:
 - (I) the original:
 - (Aa) notice of an impending boundary action;
 - (Bb) certificate of boundary action; and
 - (Cc) except in the case of dissolution, approved final local entity plat; and
 - (II) a certified copy of the document that the commission adopted approving the boundary action; or

- (B) if the conservation district is or, in the case of a dissolution, was located within the boundaries of more than a single county:
 - (I) submit to the recorder of one of those counties:
 - (Aa) the original of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the document that the commission adopted approving the boundary action; and
 - (II) submit to the recorder of each other county:
 - (Aa) a certified copy of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the document that the commission adopted approving the boundary action.
- (b) Upon the lieutenant governor's issuance of the certificate of creation, consolidation, division, or dissolution under Section 67-1a-6.5, as the case may be, the conservation district is created and incorporated, consolidated, divided, or dissolved, respectively.
- (4) If the commission disapproves a creation, consolidation, division, or dissolution under Subsection (2)(a)(i), the commission may not, for six months following the denial, consider a similar proposal to create, divide, or dissolve the conservation district or to consolidate the conservation districts, as the case may be.

Amended by Chapter 350, 2009 General Session